

300.1033

New Independent Claims

The Examiner is further directed to independent claim 19 and 33 of the present application.

Claim 19 is directed to a method of treating a disease or condition and recites the steps of :

(a) arranging unit dosage forms containing lansoprazole or a pharmaceutically acceptable salt thereof; and unit dosage forms containing naproxen or a pharmaceutically acceptable salt thereof; into a blister package comprising: (i) a first set of rupturable substrates and a layer forming blisters over each of the rupturable substrates; each of the blisters containing one unit dosage form of lansoprazole or pharmaceutically acceptable salt thereof, and (ii) a second set of rupturable substrates and a layer forming blisters over each of the rupturable substrates; each of the blisters containing one unit dosage form of naproxen or a pharmaceutically acceptable salt thereof; to form a drug packaging system;

(b) rupturing one or more substrates to dispense one or more unit doses from the drug packaging system; and

(c) administering said one or more dosage forms to a human patient.

The Examiner is requested to separately consider the patentability of method claim 19 from composition claim 3. Method claim 19 recites, in pertinent part, the steps of (a) arranging lansoprazole and naproxen dosage forms in a blister pack; (b) rupturing the substrates to dispense the unit dose(s); and (c) administering the dosage form(s) to a human patient.

It is respectfully submitted that the Depui and Eek references, either alone or in combination, do not teach or suggest all of the limitations of the method recited in claim 19.

Claim 33 recites all of the limitations of independent claim 3, except for reciting "NSAID base or pharmaceutically acceptable salt thereof" in place of "naproxen or pharmaceutically acceptable salt thereof."

It is respectfully submitted that the Depui and Eek references, either alone or in combination, do not teach or suggest all of the limitations of the of claim 33.

In view of the aforementioned remarks removal of the obviousness rejection is respectfully requested.

300.1033

C. Rejection of Claim 21 under 35 U.S.C. § 103(a)

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,253,920 B1 to Kallgren (hereinafter "Kallgren") in view of Depui.

It is noted that claim 21 has been cancelled without prejudice and this rejection is now moot.

IV. CONCLUSION


In view of the arguments presented, it is respectfully submitted that this application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited. The Examiner is invited to contact the undersigned at the telephone number provided below if he believes that a telephonic interview will advance the prosecution of this application.

Respectfully Submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:


Robert J. Paradiso
Reg. No. 41,240

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940